

REMARKS

The Pending Claims

Claims 21, 60, and 70-85 are pending and are directed to a polypeptide that comprises a particular amino acid sequences and binds with HIV gp120 under physiological conditions (claims 21 and 70-77), and a composition comprising the polypeptide and a carrier (claims 60 and 78-85).

Amendments to the Specification

The specification has been amended to recite the sequence identification numbers (SEQ ID NOs) associated with the amino acid sequences recited in the specification and submitted in the Sequence Listing dated February 27, 2002. A marked-up version of the specification, which highlights the amended text in red font, is enclosed herewith as Exhibit A, and a clean version of the substitute specification is enclosed as Exhibit B. No new matter has been added by way of these amendments.

Amendments to the Claims

Claim 21 has been amended to point out more particularly and claim more distinctly the present invention. Specifically, claim 21 has been amended to recite SEQ ID NOs corresponding to the recited amino acid sequences, and to no longer recite the amino acid sequence LPPLYSLVFIFGFVGNML. Claim 21 also has been amended to remove the word "about." New claims 70-85 are similar to, and merely recite particular embodiments of, claims 21 and 60. Claims 1-20, 22-24, 30, 31, 34-36, 50, 53-59, and 61-69 are drawn to non-elected subject matter and have been cancelled. Applicants reserve the right to pursue any canceled subject matter in a continuation, continuation-in-part, divisional application, or other application. Cancellation of any subject matter should not be construed as abandonment of that subject matter. No new matter has been added by way of these amendments.

Summary of the Office Action

The Office requires reference to be made to sequences in the description and claims by use of sequence identifiers. Claims 21 and 60 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. Claim 21 has been rejected under 35 U.S.C. § 102(b) as allegedly anticipated by International Published Patent Application WO 97/35881 (Ng et al.). Claim 60 has been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over International Published Patent Application WO 97/35881. Reconsideration of these rejections is hereby requested.

Discussion of the Rejection under Section 112, Second Paragraph

The Office contends that the pending claims are indefinite for reciting “comprise less than about 100 amino acid residues.” The pending claims, as amended, remove the word “about” and recite “comprise less than 100 amino acid residues.” One of ordinary skill in the art would understand what is meant by a polypeptide that comprises less than 100 amino acid residues that are identical to or substantially identical to the amino acid sequence of the human CCR5 chemokine receptor. Accordingly, the rejection is believed to be moot and should be withdrawn.

Discussion of the Rejection under Sections 102 and 103

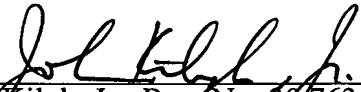
The Office has rejected the pending claims in view of International Published Patent Application WO 97/35881 (Ng et al.). The pending claims, as amended, are directed to a polypeptide comprising an amino acid sequence selected from the group consisting of QWDFGNTMCQLLTGLYFIGFFS (SEQ ID NO: 12), SQYQFWKNFQTLKIVILG (SEQ ID NO: 13), APYNIVLLLNTFQEFFGLNNCS (SEQ ID NO: 14), YAFVGEKFRNYLLVFFQK (SEQ ID NO: 15), and SEQ ID NOS: 12-15 with up to 6 conservative or neutral amino acid substitutions, wherein the polypeptide binds with HIV gp120 under physiological conditions and comprises less than 100 amino acid residues that are identical to or substantially identical to the amino acid sequence of the human CCR5 chemokine receptor. Ng et al. does not teach or suggest a polypeptide comprising the particular amino acid sequences recited in the pending claims. As such, Ng et al. cannot be considered to anticipate or render obvious the subject matter of the pending claims, and the rejections should be withdrawn.

Conclusion

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

In re Appln. of Saxinger
Application No. 10/084,813

Respectfully submitted,



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Amendment or ROA - Regular (Revised 7/29/03)